2: Krige and Krige E-5 (1928-1939)1943
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692 appears, and they rely upon her to suggest a solution and to guarantee its
562 being put into effect. Old women, sitting on the fringes of the court, are sometimes heard to mumble, as if impersonally, about the tortuous ways of the men when such-and-such is the simple solution; a man within earshot overhears the remark and applies it to the case; and more often than not, as you see the men 'jump upon' the happy phrase or formula suggested, you realize that men do not have the monopoly of wisdom. Women are the strongest pillars of the social structure and without their support there can be no guarantee that the adjustments in the superstructure will be lasting or effective; and, in a society that relies on compromise and not on coercion, this role becomes even more important. Women appear as plaintiffs or defendants as frequently as men; we have never heard either the *khɔrɔ* or a party object that an opponent was a woman unassisted by her guardian; but we have heard an old woman, the defendant, refuse to proceed in a case where the plaintiff was a young man of twenty-five years. It was a divorce case, in which the young man presumptuously had handed *munywalo* cattle, not to the mother of the bride, but to the bride's former husband. The mother took back her daughter and the young man sued for the return of his goods. The mother said in the *khɔrɔ*, 'I scorn to discuss the matter with you, a mere child. You know nothing about cases. Bring your father. I do not understand your complaint.' The *khɔrɔ* agreed. Of course, the *khɔrɔ* is the province of the men, and their place and function in it have been institutionalized; by contrast, only a few women have an institutional hold upon the *khɔrɔ*, but they are firmly entrenched in the social structure, which is the *raison d'être* of the *khɔrɔ*.

694 We cannot do more than give a general picture of a few aspects of the practice and procedure of the *khɔrɔ*. There are the usual preliminary processes. A creditor, going alone directly to the debtor, complains (*hu vela*) once, twice, perhaps many times; the complaint is not made through the village head. The debtor may ask his district head or another to intercede as his *mukhumedi*. But if nothing happens, the creditor warns the debtor that he will proceed to *hu ɖalia*, the formal complaint to the district head, not the village head, which begins the case. The dispute may still be settled privately with the district head appearing in the role of an intercessor rather than a judge, probably at the defendant's village. If this fails, the assistance of the 'mother' of the district may be called in, as already described, or there may be a full-dress *khɔrɔ* trial, with its 'opening' fees and 'fees of the feet'. Should the district head be 'overcome', the case may go to the capital. The parties are summoned to appear on a certain Sunday and there are present some fifty men, all of them potential arbitrators. It is difficult to distinguish judges, litigants, and visitors, and, though there is some one presiding, now one, now another of the men, even though they have been found guilty in a previous case the same day, may take the lead and decide the case.

695 The *khɔrɔ* is not unlike a family council: there are no set forms or formulas or procedures, no precise order in which cases are called or matters are discussed. While the parties to one case, unable to reach agreement, retire to the 'dung of the dogs' along the fence of the court-

3: Krige E-5 (1928-1938)1938 FX14 Lovedu FX14

Highveld. When, after many private consultations with diviners, a man decides to make an accusation of witchcraft, he and the accused will *betcha* or lay a wager of money or cattle on the matter, after which, accompanied by a witness, the 'ears of the chief', supplied by the Head Kraal, they set out to consult a far-away smeller-out, nearly always a Shangana-Tonga who lives too far to know anything of the people concerned. Unless the smeller-out is able to give the totems of all members of the party and successfully find an object that has been hidden beforehand, they will pass on to another until some one suitable is found. The verdict of the smeller-out is taken to court where it is always accepted and the guilty party told to pay his wager, the modern counterpart of the death penalty of old. A distinction between murder and accidental homicide is everywhere found in the Lowveld, punishment for the latter being the handing over of a girl to the injured family. She never returns home, nor does any bride-price pass.

Bantu etiquette, which makes it impossible for a case to be reported to the chief except through a third party, generally among other Sotho tribes one or two specially appointed men, has in the Lowveld given rise to a rather more complicated system whereby each district has its 'mother' at the Head Kraal, through whom reports are made and actions brought. Where a person in one district has a case at the Head Kraal against some one in another district, the 'mother' of the complainant's district will approach the 'mother' of defendant's district to call his 'children' to the court, and various payments are connected with the system. Most of the important men living at or near the Head Kraal are such 'mothers', many having more than one district in their charge.

FAMILY AND CLAN. There is among Lowveld Sotho no term distinguishing the father's from the mother's side of the family, the word *moloko* being used to denote all relatives whether on the father's side or the mother's; and in practice, whether at weddings or at working parties, both sets of relatives play an equally important, if sometimes different, part. A man inherits his totem and family name from his father, but in his education and social life his mother's people have great influence. Most children spend some years of their life with the